

## REMARKS

Claims 1, 3, 5-8, 15, 18, 20, 22-28 are now pending in the application. Claim 28 has been amended.

### *Claims Rejections – 35 USC § 103*

The Patent Office rejected claims 1, 3, 5-8, 15, 18, 20 and 22-28 under 35 U.S.C. 103(a) as being unpatentable over White, et al., U.S. Patent Application Publication No. 2005/0049002 (White).

Applicant respectfully traverses. Applicant respectfully submits a *prima facie* case of obviousness has not been established for any one of claims 1, 15 and 23. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Ryoka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). *See also In re Wilson*, 165 U.S.P.Q. 494 (C.C.P.A. 1970).

Applicant respectfully submits claims 1, 15 and 23 include elements which have not been disclosed, taught or suggested by White. For example, claims 1, 15 and 23 recite a drive capable of receiving a recordable media having content recorded thereon and a converter capable of converting said content recorded on said recordable media to another format. White fails to teach, disclose or suggest a drive capable of receiving a recordable media having content recorded thereon and a converter capable of converting said content recorded on said recordable media to another format.

The Patent Office cites FIG. 9, element 903, a CD player and paragraphs [0091] to [0093] for support of its assertion that White discloses a drive capable of receiving a recordable media having content recorded thereon and a converter capable of converting said content recorded on said recordable media to another format. However, White fails to disclose a converter capable of converting said content recorded on said recordable media received by the drive to another format. Rather, the audio content of a compact

disk inserted within the CD player 903 is not transferred to the electronic device 907. Rather, the only transfer of audio is from the electronic device 907 to the audio system 901 whereby a listener may listen to selected audio information stored on the electronic device 907 through the sound system of the automobile. (White, Paragraph [0092]). White states cable 908 may be coupled to an auxiliary line for the system's radio or may be coupled to a CD player line 912 to allow the listener to listen to selected audio information from the electronic device 907. White does not state that a compact disk may be inserted within the CD player 903 whereby the content of the compact disk is transferred to the electronic device 907.

Additionally, White states "The audio files may be remotely or locally communicated to electronic device 907 and upon coupling to audio system 901, the audio files may be transmitted to audio system 901". (White, Paragraph [0094]). Thus, the only interpretation is that audio files are not transferable from the audio system 901 to the electronic device 907 since White further states after disclosing methods of receiving files, "upon coupling to the audio system, audio files may be transmitted to the audio system 901". In order to transfer files from a CD player 903 to the electronic device 907, the electronic device would have to be coupled to the audio system 901 since the audio system 901 did not disclose any wireless broadcast capability.

In fact, White only discloses two methods of obtaining files. The first method disclosed by White is that audio files may be received through a wireless transmission from an Internet website operable to allow selectivity of audio information such as songs. (White, Paragraph [0020]). The only other disclosed method of receiving audio files is through a network connection ( i.e. a hardwire connection) to the Internet by employing a device such as a personal computer. (White, Paragraph [0085]). Nowhere in the disclosure of White teaches receiving content by converting content stored on a recordable media. Consequently, under *in re Ryoka*, a *prima facie* case of obviousness has not been established for claims 1, 15 and 23. Claims 3, 5-8, 18, 20, 22 and 24-28 are believed allowable due to their dependence upon an allowable base claim.

### CONCLUSION

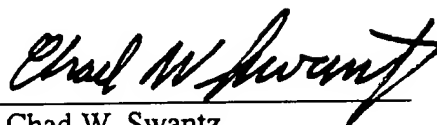
In light of the forgoing, reconsideration and allowance of the claims is earnestly solicited.

Respectfully submitted,

Gateway, Inc.

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By: \_\_\_\_\_



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